

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

CABATECH, LLC,	:	Case No. 1:22-cv-59
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
NEXTLIGHT, LLC,	:	
	:	
Defendant.	:	

ORDER

This matter is before the Court on Defendant's Counsel's Motion to Withdraw as Counsel (Doc. 33).

When determining whether to permit counsel to withdraw, the Court weighs the prejudice to counsel against the prejudice to the client or third parties. *See Brandon v. Blech*, 560 F.3d 536, 539 (6th Cir. 2009). Attorneys Paul T. Saba and Christopher R. Jones seek to withdraw as counsel for Defendant Nextlight, LLC because Defendant has failed to meet its financial obligations, despite Attorneys Saba and Jones's attempts to resolve the issue. (*See* Motion, Doc. 33, Pg. ID 336.) "[C]ompelling attorneys to continue representing clients who refuse to pay imposes a severe burden" and constitutes a "weighty policy reason[] to allow withdrawal." *See Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir. 2009). Attorneys Saba and Jones have therefore shown sufficient prejudice to justify their withdrawal as Defendant's counsel and may be removed as attorneys of record for Defendant.

That said, Defendant is a limited liability company. In federal court, a corporate

entity may not represent itself; it may only appear through an attorney. *E.g., Doherty v. Am. Motors Corp.*, 728 F.2d 334, 340 (6th Cir. 1984). In turn, this matter cannot proceed substantively until new counsel enters an appearance on behalf of Defendant.

Accordingly, a stay is proper to provide Defendant time to retain new counsel. Defendant is advised that it must promptly seek counsel to represent it in this litigation, as Plaintiff is entitled to a timely resolution of this matter. Defendant's failure to retain counsel within a reasonable timeframe may result in adverse consequences. *See Iron Workers Dist. Council of S. Ohio & Vicinity Benefit Tr. v. K-COR, LLC*, No. 3:14-CV-368, 2015 U.S. Dist. LEXIS 177780, at *1 (S.D. Ohio Nov. 13, 2015).

Thus, the Court **ORDERS** the following:

- (1) Defendant's Counsel's Motion to Withdraw (Doc. 33) is **GRANTED**. Attorneys Paul T. Saba and Christopher R. Jones **SHALL BE REMOVED** as attorneys of record for Defendant; and
- (2) This matter is **STAYED** for thirty (30) days from the date of this Order so that Defendant may obtain new legal counsel.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND